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SIXTIETH LEGISLATURE

SEVENTEENTH LEGISLATIVE DAY
WEDNESDAY, JANUARY 27, 2010

Senate Chamber

President Little called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senator Winder, absent and formally excused by the Chair; and Senators Cameron, Coiner, and Schroeder, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Sara Schaefer, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 26, 2010, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senators Coiner and Schroeder were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

January 27, 2010

The JUDICIARY AND RULES Committee reports that [S 1287](#), [S 1288](#), [S 1289](#), [S 1290](#), and [S 1291](#) have been correctly printed.

DARRINGTON, Chairman

[S 1287](#), [S 1288](#), [S 1289](#), and [S 1290](#) were referred to the Judiciary and Rules Committee.

[S 1291](#) was referred to the Resources and Environment Committee.

January 27, 2010

The JUDICIARY AND RULES Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Sharon Harrigfeld as the Director of the Department of Juvenile Corrections, term to continue at the pleasure of the Governor.

DARRINGTON, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

January 26, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Marc Brinkmeyer of Sandpoint, Idaho, was appointed as a member of the Lake Pend Oreille Basin Commission to serve a term commencing July 24, 2008, and expiring July 24, 2011.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

January 26, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Tammy Perkins of Boise, Idaho, was appointed as a member of the State Board of Health and Welfare to serve a term commencing January 21, 2010, and continuing at the pleasure of the Governor.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Health and Welfare Committee.

January 26, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Gary Sayler of Kuna, Idaho, was appointed as Adjutant General of the Idaho Military Division to serve a term commencing January 17, 2010, and continuing at the pleasure of the Governor.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

Senator Cameron was recorded present at this order of business.

January 26, 2010

Dear Mr. President:

I transmit herewith [H 379](#), which has passed the House.

ALEXANDER, Chief Clerk

[H 379](#) was filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1292

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF LANDS FOR FISCAL YEAR 2010; AND DECLARING AN EMERGENCY.

S 1293

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2010; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2010; AND DECLARING AN EMERGENCY.

S 1294

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2010; REDUCING THE APPROPRIATION TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2010; AND DECLARING AN EMERGENCY.

S 1295

BY LOCAL GOVERNMENT AND TAXATION COMMITTEE

AN ACT

RELATING TO SALES AND USE TAXES; AMENDING TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 46, TITLE 63, IDAHO CODE, TO PROVIDE DEFINITIONS, TO PROVIDE A STATEMENT OF FINDINGS AND INTENT, TO PROVIDE DUTIES OF THE STATE TAX COMMISSION AND TO PROVIDE FOR PERSONS TO CONSULT WITH THE COMMISSION, TO PROVIDE THAT THE AGREEMENT DOES NOT PREEMPT STATE LAW, TO PROVIDE FOR PROPOSED LEGISLATION TO IMPLEMENT THE PROVISIONS OF THE STREAMLINED SALES AND USE TAX AGREEMENT AND TO PROVIDE FOR DISTRIBUTION OF THE PROPOSED LEGISLATION.

S 1296

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO COMMERCIAL MOTOR VEHICLES; AMENDING SECTION 49-104, IDAHO CODE, TO REVISE DEFINITIONS AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 49-240, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN CIRCUMSTANCES FOR FORFEITURE OF BOND; AMENDING SECTION 49-335, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN DISQUALIFICATIONS AND PENALTIES; AMENDING SECTION 49-1416, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN CITATIONS WHILE OPERATING A COMMERCIAL MOTOR VEHICLE.

S 1297

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO VEHICLE AND VESSEL TITLES; AMENDING SECTION 49-502, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE DELIVERY OF CERTIFICATE OF TITLE UPON SALE OR DISPOSITION, TO REVISE PROVISIONS RELATING TO CERTAIN DEALER'S REASSIGNMENT OF EXISTING CERTIFICATE OF TITLE OR OF AN APPLICATION FOR DUPLICATE CERTIFICATE OF TITLE AND TO MAKE TECHNICAL CORRECTIONS.

S 1298

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLE REGISTRATION; AMENDING SECTION 49-432, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A CERTAIN PERMIT AND COMBINATION OF VEHICLES.

S 1299
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO CODIFIER'S CORRECTIONS IN STATUTES; AMENDING SECTION 6-1904, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 18-8308, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING THE HEADING FOR CHAPTER 2, TITLE 20, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 22-103, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 23-207, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 23-311, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 23-610, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-109, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 33-2406, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-5205, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; REPEALING SECTION 34-1902, IDAHO CODE, RELATING TO THE FIRST CONGRESSIONAL DISTRICT; REPEALING SECTION 34-1903, IDAHO CODE, RELATING TO THE SECOND CONGRESSIONAL DISTRICT; AMENDING SECTION 37-2744B, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-4109, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-4116, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 45-1302, IDAHO CODE, TO DELETE REFERENCE TO AN ARCHAIC CODE SECTION; AMENDING SECTION 49-420H, IDAHO CODE, AS ADDED BY SECTION 2, CHAPTER 196, LAWS OF 2009, TO REDESIGNATE THE SECTION RELATING TO EARTH SCIENCES AND LAPIDARY PLATES; AMENDING SECTION 50-334, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-1761, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING THE HEADING FOR CHAPTER 54, TITLE 54, IDAHO CODE, AS ADDED BY SECTION 1, CHAPTER 65, LAWS OF 2009, TO REDESIGNATE THE CHAPTER; AMENDING SECTIONS 54-5401 THROUGH 54-5413, IDAHO CODE, AS ADDED BY SECTION 1, CHAPTER 65, LAWS OF 2009, TO REDESIGNATE THE SECTIONS RELATING TO MIDWIFERY, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 56-1011, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 57-202, IDAHO CODE, TO DELETE REFERENCE TO ARCHAIC CODE CHAPTERS, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-2601, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AND PROVIDING SUNSET DATES.

[S 1292](#), [S 1293](#), [S 1294](#), [S 1295](#), [S 1296](#), [S 1297](#), [S 1298](#), and [S 1299](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 379](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 11:49 a.m. until the hour of 11:30 a.m., Thursday, January 28, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary